

April 24, 2017

Via Electronic Filing

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: Comments – Report and Order, Notice of Inquiry, Further Notice of Proposed Rulemaking, and Order, rel. March 23, 2017, CG Docket Nos. 10-51 and 03-123

Dear Ms. Dortch:

The Video Relay Services Consumer Association (“VRSCA”) respectfully submits the following comments in response to the Federal Communications Commission’s (“FCC”) Further Notice of Proposed Rulemaking (“FNPRM”) in the above proceeding on the FCC’s proposals for improvements to the Video Relay Services (“VRS”) program with regard to VRS compensation rates, server-based routing, and funding for research and development from the Telecommunications Relay Service (“TRS”) Fund.

Specifically, Section IV.A of the FNPRM seeks comment on a new four-year provider compensation plan for VRS, Section IV.B of the FNPRM seeks comment on server-based routing and a proposed amendment to the FCC rules, and Section IV.F of the FNPRM seeks comment on whether to continue to have funding for research and development. The VRSCA believes that the issues discussed below are the most important issues raised in connection with these proposals, and all of the positions of the VRSCA support the functional equivalence goal mandated by Section 225 of the Communications Act, 47 U.S.C. § 225.

1. VRS Compensation Rates.

The VRSCA supports the FCC’s decision to seek comment on VRS compensation rates. Although the VRSCA is not addressing the specific proposed four-year plan and the different rate levels, we believe that the FCC should have a rate structure that promotes functional equivalency for VRS consumers. The VRSCA is a national communications forum for deaf, hard-of-hearing, deaf-blind, speech-disabled, and hearing individuals who communicate using American Sign Language (“ASL”) and VRS, and is concerned that if the FCC sets compensation rates too low, there will be a reduction in the quality of service provided by VRS providers.

Section 225 has a requirement that TRS users are to pay rates that are no greater than the rates paid for functionally equivalent voice communications services. 47 U.S.C. § 225(d)(1)(D). To underscore this important point, we note that a policy statement submitted to the FCC by various Consumer Groups sets forth ten core functional equivalency principles that the Consumer Groups maintain should represent high quality TRS and the first principle is that “TRS must provide full benefit to all parties on a call, regardless of the complexity and/or cost.”<sup>1</sup> When considering changes to the compensation rates, functional equivalency must be the FCC’s priority, regardless of the complexity or the cost. The Consumer Groups, as part of their blueprint to guide the FCC with its administration of the national TRS program, listed goals and objectives. One objective identified by the Consumer Groups is that a system must be established to provide equipment or software for those users who are unable to afford access to TRS.<sup>2</sup> The VRSCA agrees with the Consumer Groups.

It is critical that the FCC continue to allow VRS consumers to receive videophones and monitors without charge for several reasons. First, videophones and monitors cost hundreds of dollars, much more than the cost of a standard corded voice telephone. Based upon a simple search on Amazon.com for a corded phone, there are at least ten models for about \$10. It is unrealistic for a deaf or hard-of-hearing person to purchase a videophone at that price. Second, according to Section 225, VRS users may not be required to pay more for VRS than the rates paid for functionally equivalent voice communications services. The FCC must include support for VRS providers that develop and distribute equipment, which is an essential component of functional equivalence. If the FCC sets compensation rates too low, as close as possible to what the FCC considers allowable costs, the VRS providers may be forced to shift some of the other costs to users.

The position of the VRSCA may be different if VRS users could go into a store to purchase a videophone at a cost that is comparable to a voice telephone and if the videophone breaks down, they could easily get it repaired. Right now, if we purchase a videophone for hundreds of dollars and it breaks down, we would have to use email and wait for a serviceperson to come to the house or workplace, and we would need to pay for the repairs. We cannot simply walk into a store and get the videophone fixed. The VRS industry is not there yet. The VRS industry needs to conduct more research, and we need more assessment on the affordability of equipment for VRS communications.

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<sup>1</sup> Consumer Groups’ TRS Policy Statement, at page 2, filed April 12, 2011, by the following organizations: Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”), National Association of the Deaf (“NAD”), Association of Late Deafened Adults (“ALDA”), Hearing Loss Association of America (“HLAA”), California Coalition of Agencies Serving the Deaf and Hard of Hearing (“CCASDHH”), American Association of the Deaf-Blind (“AADB”), Speech Communication Assistance by Telephone (“SCT”), Communication Service for the Deaf (“CSD”), and Deaf Seniors of America (“DSA”) (collectively, the “Consumer Groups”).

<sup>2</sup> Consumer Groups’ TRS Policy Statement, at page 7.

Until the time comes when videophones are available at prices that are equivalent to voice telephones, and it is easy to get repairs on videophones, the VRSCA believes that the VRS providers need to continue to provide equipment without charge. The FCC should not prohibit the distribution of equipment and the costs for distribution of equipment should be considered allowable costs. At this time, it is very important that the FCC not set compensation rates that are so low they preclude the distribution of equipment by VRS providers.

## 2. Server-Based Routing.

The FCC requests comment on server-based routing and a proposed amendment to Section 64.613 of the rules to provide that the routing information provided to the TRS numbering directory may include Uniform Resource Identifiers that contain provider domain names rather than IP addresses (that section currently requires the IP address of the user's device). 47 C.F.R. § 64.613. Like the consumer groups and VRS providers, we support this approach because the proposed rule amendment will improve the efficiency of VRS and point-to-point calls. It is hopeful that the FCC will expedite this solution.

## 3. Research and Development.

The FCC requests comment on whether to include funds for research and development in the TRS budget. This would include funds set aside for research and development projects that are designed to improve VRS. The VRSCA believes that the costs of research and development should be allowed from the TRS Fund. As part of the research and development process, the VRSCA agrees with other consumer groups<sup>3</sup> that the FCC should reach out to all constituents, including the deaf and hard-of-hearing community, research institutions, VRS providers, and hearing individuals.

It is quite clear that individuals with a hearing or speech disability want and need advanced technology just like other consumers. The FCC must allow us the opportunity to use up to date technology to communicate with others. Permitting the costs of research and development as allowable compensation would support innovation and consumer choice, and will further the FCC's goals of ensuring that TRS is functionally equivalent to voice telecommunication services and improving the efficiency of TRS. 47 U.S.C. § 225. Disallowing the cost of research and development may result in VRS providers not maintaining quality service to VRS consumers at a level that is functionally equivalent to what is provided for hearing consumers.

<sup>3</sup>

On March 7, 2017, counsel for TDI filed an ex parte letter in Docket Nos. 10-51 and 03-123, giving notice of a meeting that representatives of consumer groups had with FCC representations, in which the participants discussed, among other topics, the funding for research and development from the TRS Fund. The meeting included representative from TDI, NAD, and Gallaudet University.

The VRSCA believes that funding for research and development is also consistent with Section 225(d)(2), which requires the FCC to implement regulations that “do not discourage or impair the development of improved technology.” 47 U.S.C. § 225(d)(2). Telecommunications companies invest in research and development to remain competitive and facilitate improved service. VRS companies must innovate to remain competitive and as a result, VRS consumers benefit by receiving improved services.

### Conclusion.

The VRSCA thanks the FCC for continuing to make improvements to VRS. As consumers, we are very happy with the FCC’s decisions to authorize trials for skills-based routing and deaf interpreters on VRS calls, which we believe will improve functional equivalency, and the FCC’s decision to make iTRS numbers available to hearing users to allow direct point-to-point video calls with other VRS users. However, the VRSCA questions the FCC’s authorization for a pilot program of at-home interpreting since there is no fool-proof way to ensure that VRS providers and interpreters will adhere to the FCC’s safeguards for confidentiality. It would be extremely difficult to obtain trust from the consumer’s perspective that their conversations are being carried out in a confidential environment.

In conclusion, the FCC should ensure functional equivalency in communications by continuing to adequately compensate all VRS providers to cover essential costs that allow them to grow, and invest in research and development to innovate and remain competitive, and facilitate improved service to their customers. The VRSCA remains concerned that the FCC is seeking to make improvements and increase services which will require additional staffing, training and adequate support, while inappropriately reducing VRS compensation rates.

Respectfully submitted,

*/s/ electronically signed*

Sharon A. Hayes  
Director, VRSCA